

County; to provide standards for the operation of pet shops and commercial kennels; and to provide penalties for the violation of this Act.

Be It Enacted by the County Council for Montgomery County, Maryland, that—

Section 1. Section 76-32, Chapter 76, titled "Animals and Fowl," of the Montgomery County Code 1965, as amended, is hereby repealed in its entirety.

Section 2. Article III, titled "Pet Shops and Commercial Kennels," is hereby added to Chapter 76 titled "Animals and Fowl," of the Montgomery County Code 1965 as amended, to follow immediately after Section 76-52 of Article II thereof and to read as follows:

ARTICLE III. Pet Shops and Commercial Kennels

Division I—Generally

76-53. Definitions.

For the purpose of this Article the words and phrases herein listed shall be defined as follows:

Animals shall mean every species of animals and shall include fowls, birds, fish, turtles and rodents. It shall include, for the purpose of defining a pet shop or commercial kennel, any living creature sold or exchanged as a commercial item.

Breeding—The harboring of three or more male dogs or cats used for stud for which a fee is charged and/or the harboring of three or more female dogs or cats bearing two or more litters of offspring during any twelve-month period shall be prima facie evidence that such animal is harbored for the purpose of breeding.

Cages shall include any enclosure of limited space enclosed on the bottom and on all four sides by either solid walls or otherwise in which animals or other creatures are placed for purposes of confinement or display.

Commercial Enterprise shall mean any establishment, the primary function of which is the sale of any product or commodity.

Commercial Kennel shall include any animal boarding place or other establishment for the breeding, boarding, grooming, sale or training of dogs and/or cats at which more than three (3) animals are maintained at any one time; provided that, kennels or animal hospitals maintained by a licensed veterinarian as part of the practice of veterinary medicine and animal hospitals maintained primarily for the treatment of animals shall not be considered "Commercial Kennels" provided that any use of such a facility for breeding, boarding, grooming, sale or training of animals is secondary and subordinate to the primary use of such facility for the treatment of animals.

Healthful—A condition, appropriate to the particular species of animal involved, which is hygienic and conducive to the maintenance of the animals' well-being and to the prevention of disease.

Keeper refers to any individual, association or corporation or employee thereof maintaining any facility regulated by this Chapter.